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	Inventor(s)
101	Title of invention
the specification of which is being t	ransmitted herewith
	OR ,
In re application of: KUO, Terry	B.J.; YANG, Cheryl C.H.
Application No.: 10 / 790, 508	Group No.:
Filed: March 1, 2004 For: METHOD AND APPARATUS VARIABILITY	Examiner FOR ANALYZING HEART RATE
Assistant Commissioner for Paten Washington, D.C. 20231	ts
INFORMATION	DISCLOSURE STATEMENT
CERTIFICATION	
(When using Express Mail, 1	NDER 37 C.F.R. §§ 1.8(a) and 1.10* the Express Mail label number is mandatory; fall certification is optional.)
I hereby certify that, on the date shown below	v, this correspondence is being:
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deposited with the United States Postal 5 for Patents, Washington, D.C. 20231 37 C.F.R. § 1.8(a)	Service in an envelope addressed to the Assistant Commissi 37 C.F.R. § 1.10*
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□ as "Express Mail Post Office to Addressee" postage as first class mail. Mailing Label No. -_(mandatory.) TRANSMISSION ☐ transmitted by facsimile to the Patent and Trademark Office. Signature Date: _ JUN 1 0 2004 John S. Egbert (type or print name of person certifying) *WARNING: Each paper or fee filed by Express Mail must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. § 1.10(b). "Since the filing of correspondence under § 1.10 without the Express Mail mailing label thereon

is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

(Information Disclosure Statement [6-1]-page 1 of _____)

- NOTE: "An information disclosure statement shall be considered by the Office if filed by the applicant: (1) Within three months of the filing date of a national application; (2) Within three months of the date of entry of the national stage as set forth in § 1.491 in an international application; or (3) Before the mailing date of a first Office action on the merits, whichever event occurs last." 37 C.F.R. § 1.97(b). NOTE: "Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all Information known to that individual to be material to patentability as defined in this section." 37 C.F.R. § 1.56(a). "Individuals associated with the filing or prosecution of a patent application within the meaning of this section are: (1) each inventor named in the application; (2) each attorney or agent who prepares or prosecutes the application; and (3) every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application." 37 C.F.R. § 1.56(c). NOTE: The "duty as described in § 1.56 will be met so long as the information in question was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98 before issuance of the patent." Notice of January 9, 1992, 1135 O.G. 13 -25 at 17. WARNING: "No information disclosure statement may be filed in a provisional application." 37 C.F.R. § 1.51(b). List of Sections Forming Part of This Information Disclosure Statement The following sections are being submitted for this Information Disclosure Statement: (check sections forming a part of this statement: discard unused sections and number pages consecutively) 1. X **Preliminary Statements** 2. M FORMS PTO/SB/08A and 08B (formerly FORM PTO-1449) 3. Statement as to Information Not Found in Patents or Publications Identification of Prior Application in Which Listed Information Was Already Cited and for Which No Copies Are Submitted or Need Be Submitted ☐ Cumulative Patents or Publications 5. 6. ☑ Copies of Listed Information Items Accompanying This Statement 7. Concise Explanation of Non-English Language Listed Information Items 7A.

 EPO Search Report ☐ Translation(s) of Non-English Language Documents
 - (complete the following, if appropriate)

9.

10. 😡

Concise Explanation of English Language Listed Information Items (Optional)

Identification of Person(s) Making This Information Disclosure Statement

Sections NOTE:	respectively, have been continued on ADDED PAGE(S), "Once the minimum requirements are met, the examiner has an obligation to consider the information."
	Notice of April 20, 1992 (1138 O.G. 37-41, 37).

Section 1. Preliminary statements

Applicants submit herewith patents, publications or other information, of which they are aware that they believe may be material to the examination of this application, and in respect of which, there may be a duty to disclose.

The filing of this information disclosure statement shall not be construed as a representation that a search has been made (37 C.F.R. 1.97(g)), an admission that the information cited is, or is considered to be, material to patentability, or that no other material information exists.

The filing of this information disclosure statement shall not be construed as an admission against Interest in any manner. Notice of January 9, 1992, 1135 O.G. 13-25, at 25.

(Information Disclosure Statement — Section 1. Preliminary Statements [6-1] — page _____ of _____)

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Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Complete if Known				
Application Number	10/790,508			
Filing Date	March 1, 2004			
First Named Inventor	KUO, Terry B.J.			
Group Art Unit				
Examiner Name				
Attorney Docket Number	1970-10			

	U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.1	U.S. Paten	t Document Kind Code ² (if known)	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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				FORE	IGN PATENT DOCUMENT	rs		
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Examiner	 Date	
Signature	Considered	

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^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO				Complete if Known		
				Application Number	10/790,508	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			ISCLOSURE	Filing Date	March 1, 2004	
			APPLICANT	First Named Inventor	KUO, Terry B.J.	
J.,		-		Group Art Unit		
	(use as many s	heet	s as necessary)	Examiner Name		
Sheet	2	of	2	Attorney Docket Number	1970-10	

		OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS	
Examiner Initials*	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		CAMM, A. JOHN; MALIK, Marek; "Heart rate variability: Standards of measurement, physiological intrepretation, and clinical use"; _European Heart Journal_; March 1996; pp. 354-381; Vol. 17; Task Force of The European Society of Cardiology and the North American Society of Pacing and Electrophysiology; UK.	
		·	
Examine	r	Date	

Examiner	Date	
Signature	Considered	

^{*}EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Section 6. Copies of Listed Information Items Accompanying This Statement

NOTE: 37 C.F.R. 1.98(a)(2) requires that any information disclosure statement filed under § 1.97 shall include: "A legible copy of: (1) Each U.S. and foreign patent; (ii) Each publication or that portion which caused it to be listed; and (iii) All other information or that portion which caused it to be listed, except that no copy of a U.S. patent application need be included . . . "

NOTE: The wording in § 1.98(a)(2)(iii) makes it clear that the requirement to submit a copy of each item of information listed in an information disclosure statement does not apply to the citation of a U.S. patent application. Notice of January 9, 1992, 1135 O.G. 13-25, at 14.

Legible copies of all items listed in Forms PTO/SB/08A and 08B (formerly Form PTO-1449) accompany this information statement.

(complete the following, if applicable)

□ Exception(s) to above:

□ Items in prior application, from which an earlier filing date is claimed for this application, as identified in Section 4.

□ Cumulative patents or publications identified in Section 5.

Section 9. Concise Explanation of English Language Listed Information Items (OPTIONAL)

NOTE: "Applicants may, If they wish, provide a concise explanation of why English-language information is being submitted and how it is understood to be relevant. Concise explanations are helpful to the Office, particularly where documents are lengthy and complex and applicant is aware of a section that is highly relevant to patentability or where a large number of documents are submitted and applicant is aware that one or more are highly relevant to patentability." Notice of April 20, 1992 (1138 O.G. 37-41, 38).

See attached document from *European Heart Journal* (1996) **17**, 354-381, entitled "Heart rate variability: Standards of measurement, physiological interpretation, and clinical use".

Section 10. Identification of Person(s) Making This Information Disclosure Statement

. . . .

The person	on m	aking this statement is	
		(check each applicable item)	
(a)		the inventor(s) who signs below	
		SIGNATURE OF INVENTOR	
		(type name of inventor who is signing)	
(b)		an individual associated with the filing and prose- cution of this application (37 C.F.R. § 1.56(c))	
		SIGNATURE OF INVENTOR	-
		(type name of inventor who is signing)	
(c)	X	the practitioner who signs below on the basis of the information:	
		(check each applicable item)	
		supplied by the inventor(s).	
		 supplied by an individual associated with the filing and prosecut of this application. (37 C.F.R. § 1.56(c)) 	ion
		☑ in the practitioner's file.	
Reg. No.:	30	SIGNATURE OF PRACTITIONER	
neg. No.:	30		
Tel. No.: ()	713-224-8080 (type or print name of practitioner) Harrison & Egbert	
Customer	No.:	24106 412 Main St., 7th Floor P.O. Address Houston, Texas 77002	<u>r</u>